

### **IC 12-11-2.1**

#### **Chapter 2.1. Service Coordination Services for Developmentally Disabled Individuals**

### **IC 12-11-2.1-1**

#### **Diagnostic assessment**

Sec. 1. (a) The bureau shall determine whether or not an individual is a developmentally disabled individual. For individuals for whom there is not enough current information available to make a determination of eligibility, the bureau shall use the results of a diagnostic assessment in determining whether an individual is a developmentally disabled individual. A diagnostic assessment must include the following:

- (1) Diagnostic information concerning the individual's functioning level and medical and habilitation needs.
- (2) All information necessary for the use of the office of Medicaid policy and planning, the Indiana health facilities council, and the division.
- (3) The use of all appropriate assessments conducted under rules adopted under IC 16-28.

(b) An individual who is found not to be a developmentally disabled individual may appeal the bureau's finding under IC 4-21.5.

(c) If an individual is determined to be a developmentally disabled individual, the office shall determine whether the individual meets the appropriate federal level of care requirements.

*As added by P.L.272-1999, SEC.34.*

### **IC 12-11-2.1-2**

#### **Service coordination services**

Sec. 2. The bureau shall, within the limits of available resources, provide service coordination services to developmentally disabled individuals. Service coordination services must include the development of an individual service plan.

*As added by P.L.272-1999, SEC.34.*

### **IC 12-11-2.1-3**

#### **Services provided through individual service plan**

Sec. 3. All services provided to an individual must be provided under the developmentally disabled individual's individual service plan. To the extent that services described in IC 12-11-1.1-1(e) are available and meet the individual's needs, services provided to an individual shall be provided in the least restrictive environment possible.

*As added by P.L.272-1999, SEC.34. Amended by P.L.14-2000, SEC.29.*

### **IC 12-11-2.1-4**

#### **Placement authority**

Sec. 4. The bureau shall serve as the placement authority for developmentally disabled individuals under service plans developed

under this chapter, including all placements in a state developmental center or an intermediate care facility.

*As added by P.L.272-1999, SEC.34.*

#### **IC 12-11-2.1-5**

##### **Authorizing services for individual in community based setting**

Sec. 5. When authorizing services for a developmentally disabled individual in a community based setting, the bureau shall give equal consideration based on need between:

- (1) individuals who resided with a family member, relative, or guardian immediately before the community based residential placement; and
- (2) individuals being placed from:
  - (A) a state developmental center;
  - (B) an intermediate care facility; or
  - (C) a nursing facility.

*As added by P.L.272-1999, SEC.34.*

#### **IC 12-11-2.1-6**

##### **Approval of placement in intermediate care facility**

Sec. 6. The bureau may not approve the initial placement of a developmentally disabled individual in an intermediate care facility for the mentally retarded serving more than eight (8) individuals or a nursing facility unless:

- (1) the individual has medical needs; and
- (2) the placement is appropriate to the individual's needs.

If the placement is in a nursing facility, that placement must be appropriate to an individual's needs based upon preadmission screening conducted under IC 12-10-12.

*As added by P.L.272-1999, SEC.34.*

#### **IC 12-11-2.1-7**

##### **Service plan for individual discharged or on outpatient status from state institution**

Sec. 7. Before a developmentally disabled individual is:

- (1) discharged from a state institution; or
- (2) placed on outpatient status under IC 12-26-14 by a state institution;

the bureau shall develop a service plan for the individual under section 2 of this chapter.

*As added by P.L.272-1999, SEC.34.*

#### **IC 12-11-2.1-8**

##### **Monitoring compliance with plan while outpatient**

Sec. 8. If a developmentally disabled individual committed to a state developmental center is placed on outpatient status under IC 12-26-14, the bureau shall monitor the individual's compliance with the individual's service plan during the period that the individual is in outpatient status.

*As added by P.L.272-1999, SEC.34.*

#### **IC 12-11-2.1-9**

##### **Memorandum of understanding concerning referrals**

Sec. 9. The division of mental health and addiction and the division shall enter into a memorandum of understanding concerning referrals to the bureau of developmentally disabled individuals discharged from or on an outpatient status from a state institution operated by the division of mental health and addiction.

*As added by P.L.272-1999, SEC.34. Amended by P.L.215-2001, SEC.39.*

#### **IC 12-11-2.1-10**

##### **Personal and vocational counselors required**

Sec. 10. The division shall require service coordination personnel and vocational counselors to coordinate their services.

*As added by P.L.272-1999, SEC.34.*

#### **IC 12-11-2.1-11**

##### **Decertified individuals receiving services; resources**

Sec. 11. (a) An individual who is receiving services for developmentally disabled individuals funded by Medicaid and has been decertified by the office because the individual fails to meet appropriate federal level of care requirements must continue to receive the same services, unless an appropriate individual service plan has been developed outlining the services needed by the individual to live in the least restrictive environment.

(b) After available federal, local, and individual resources have been used, unencumbered state appropriations that are available, as determined by the budget director, must be used to implement plans developed under subsection (a).

*As added by P.L.272-1999, SEC.34.*

#### **IC 12-11-2.1-12**

##### **Rules**

Sec. 12. The director of the division may adopt rules under IC 4-22-2 to carry out this chapter.

*As added by P.L.272-1999, SEC.34.*